

REMARKS

In the Office Action dated June 22, 2009 and marked final, the Examiner rejects claims 1-19 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Additionally, the Examiner rejects claims 1-19 under 35 U.S.C. §103(a). With this Amendment, Applicant amends claims 1-19. Following entry of this Amendment, claims 1-19 remain pending. Applicant respectfully requests reconsideration of the Application as amended.

Rejection of claims 1-19 under 35 U.S.C. §112, first paragraph

In rejecting claims 1-19 under 35 U.S.C. §112, first paragraph, the Examiner asserts there is no description in the specification to support the features “the pitch of the vehicle as being *level or not level*” as described in the claims. Applicant stands by the arguments made in an earlier response traversing the Examiner’s rejection. However, in an effort to further prosecution, Applicant has amended to claims in response to the rejection.

All claims have been amended to recite pitch angles of the vehicle in reference to the y-coordinate in a horizontal direction. The angles are either zero or not zero. This is clearly supported in the specification in Figs. 2A, 2B, 4A and 4B and in the specification in at least paragraphs [0017]-[0020] and [0024]. Applicant respectfully submits that the claims comply with 35 U.S.C. § 112, first paragraph.

Rejection of claims 1-19 under 35 U.S.C. §103(a)

The Examiner rejects claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Nagaoka et al. (JP 2002-005656) and Fujimoto (JP 2004-346670). Applicant submits herewith a translation of the priority document JP 2004-351086 and a certification attesting to its accuracy. With priority perfected to the December 3, 2004 filing date of JP 2004-351086, Fujimoto is no longer available as art under any section of 35 U.S.C. §102. Since Fujimoto is not available as prior art, the rejection under 35 U.S.C. § 103(a) is overcome.

The rejection based on Fujimoto is the first occasion necessitating that Applicant perfect priority to JP 2004-351086 and its December 3, 2004 filing date. Additionally, no additional search and/or consideration is required because no substantive claim amendments have been made.

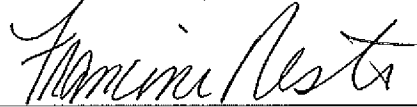
Conclusion

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's rejections to the Application as originally filed. It is further submitted that this Amendment has antecedent basis in the Application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the Application. Reconsideration of the Application as amended is requested. It is respectfully submitted that this Amendment places the Application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited through a conference with Applicant, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

YOUNG BASILE HANLON &
MACFARLANE, P.C.

A handwritten signature in dark ink, appearing to read "Francine Nesti", is written over a horizontal line.

Francine Nesti
Registration No. 53376
(248) 649-3333

3001 West Big Beaver Rd., Ste. 624
Troy, Michigan 48084-3107